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**Kohchise Jackson Grievances and Official
Responses for Three-Step MDOC Inmate
Grievance Procedure**

Step II Grievance Appeal Response

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| Grievance Number: JCS 2017 05 0352 12D |
| Prisoner Name: Jackson, Kohchise |
| Prisoner Number: 445579 |

I have reviewed your Step I Grievance, the Step I Response, and your Step II Reason for Appeal.

SUMMARY OF STEP I COMPLAINT: Complains that he is being denied necessary medical/surgical procedure to reverse colostomy. Date of incident 4/26/17.

SUMMARY OF STEP I RESPONSE: Electronic Health Record (EHR) was reviewed. The Grievant complains that he requires a surgical procedure to reverse a colostomy. He reports that he was scheduled for the procedure while being house in the St. Clair County Jail prior to being transferred to MDOC and states, "I was told that my surgery had been cancelled because I was transferring and once I transferred that MDOC would take over and do all the paperwork for me to have the surgery." The Grievant arrived at RGC on 3/23/17. On 3/24/17 he was seen by the facility Medical Provider (MP) at RGC for intake. It is documented by the MP that the colostomy was in good status and that the Grievant, "able to complete self-care. Has a greater degree of body image issue than other concerns." On 3/29/17 a ROBERTA-R was completed on the Grievant by healthcare because the Grievant was displaying mild anxiety. It is documented in the ROBERTA-R by the facility MP, "No urgent medical issues were reported from the surgeons office and the colostomy is functional. It is not likely that the colostomy will be reversed in the MDOC." On 4/3/17 the Grievant was seen by Mental Health (MH) provider. It is documented by the MH provider, "He signs a consent for me to contact the proper recipient rights person on his behalf and his given a copy of it." On 4/7/17 the Grievant was seen by the MP at RGC for medical clearance. It is documented, "Continues to verbalize that ostomy was to be temporary and reversed. No medical necessity per outside documentation or from conversation w/surgeons office (Dr. Kansakar)." The Grievant received radiologic studies on 4/7/17, which showed no issues with the colostomy. On 4/12/17 the Grievant arrived at JCS and was referred to the MP by the nurse for questions regarding his colostomy. The Grievant was seen by the JCS facility MP on 4/18/17, and a request was submitted and refused/deferred for surgical consult for colostomy reversal, with indication from Lansing that is documented, "Medical necessity not demonstrated at this time. Continue to follow in on site clinic by MP." On 4/26/17 the Grievant was seen by the JCS MP to inform him of the denial of the surgical consult for colostomy reversal. It is documented that the Grievant, "Became so upset when told about the not approval consult request stating that he's planning to file a law suit." During the grievance the Grievant states, "I was approved for the surgery in January and was scheduled to have the operation on February 9th. I just feel like I have been lied too." This writer also discussed with Grievant that he has the option to pay for outside medical services according to policy if he is not satisfied with the healthcare that he is receiving, but he would assume all costs incurred. Encouraged to utilize the health care request (HCR) forms to address current healthcare issues and concerns. The Grievant has been seen on multiple occasions for his complaint. A referral for surgical consultation regarding colostomy reversal was submitted and denied based on no medical necessity documented. According to PD 03.04.100, Health Services, paragraph O, AA, and HH-MM, the Grievant has received the appropriate referrals and may request outside medical services which he would assume all costs incurred. Grievance denied. Date of response 5/15/17.

SUMMARY OF STEP II REASON FOR APPEAL: Grievant alleges constitutional rights of prisoners chapter 4. The 8th Amendment medical care. Necessary treatment. Clearly states, that inmates in need of medical must be provided with access to opportunities available to free world person to obtain medical care and cures. Denial is a deliberate indifference, PD 03.03.130 Humane Treatment and Conditions for Prisoner. Refusal to treat my medical concerns is actionable under the 42 USCA 1983 Act. Date of incident 4/26/17.

SUMMARY OF STEP II INVESTIGATION: Upon investigation of the Step II appeal; the Step I response, reason for appeal, the Electronic Health Record (EHR), and policies were all reviewed, including any additional information needed was obtained as necessary to complete the response. The Michigan Department of Corrections (MDOC) doesn't reverse colostomies unless it is medically necessary, the surgery you are requesting is non-essential. Currently documentation reflects the colostomy is functional.

While the Department is responsible for providing prisoners with necessary health services, prisoners may seek non-essential health services from outside providers at no cost or liability to the Department. Grievant is to follow OP 04.06.135 Prisoners Requesting Outside Health Services At Own Expense; submit HCR to HUM after obtaining information from the outside provider, including provider contact information and estimate of medical cost, for approval for outside health care at prisoner's own expense, which includes medical, transportation and custody costs. Prisoner must have adequate funds in his account to cover the cost of the health services, as well as funds to cover transportation and custody costs. If prisoner has outside insurance that will cover the cost of the medical procedure, prisoner must obtain written verification of coverage. Please review OP 04.06.135 and PD 03.04.100 Health Services; Outside Health Services at Prisoner's Expense. Grievant's allegations are not substantiated by the evidence. Review of the evidence supports that Grievant's medical needs are being addressed. Grievant is encouraged to access health care through the kite process to address any current health care concerns.

CONCLUSION: Evidence

- PD 03.02.130, Prisoner Grievances
- Policy 03.04.100 Health Services
- OP 04.06.135 Prisoners Requesting Outside Health Services At Own Expense

Grievance Denied: Review of the evidence supports that Grievant's medical needs are being addressed. Mr. Jackson, per documentation, you are doing fine with current condition, the reversal is a major surgery with potential complications up to death and the Department will not ok a dangerous unnecessary elective procedure, a reversal for a functional colostomy is considered non-essential. POLICY IS NO REVERSALS UNLESS there is a MEDICAL REASON. Grievant can seek outside Services at his Own Expense, by following policy/procedures.

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| RESPONDENT NAME: Subrina Aiken, RN | TITLE: Clinical Administrative Assistant Jackson Health Care Office Administration |
| RESPONDENT SIGNATURE: <i>Subrina Aiken, RN</i> | DATE: 6/8/17 |

Step III Grievance Response

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Kohchise Jackson 445579

JCS 17050352

Grievant alleges he has been denied surgery to reverse his colostomy.

All relevant information within the electronic medical record has been reviewed. Step I and Step II appropriately addressed this grievance and are affirmed at the Step III appeal. Grievant will continue to be monitored and treatment will be determined by a qualified Medical Provider. A disagreement with the plan of care does not support a denial of care or inadequate medical treatment.

Grievant appeal denied.

Response of Bureau of Health Care Services

Date: 10/13/2017

Approved: R. Harbaugh, RN
R. Harbaugh, RN

Date: 10/19/17

Richard D. Russell
Richard D. Russell Manager, Grievance Section Office of Legal Affairs

OCT 25 2017

Date Mailed

Ref. # 26712

C: Warden - TGS
Regional Health Care Administrator Southern
Grievant